

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-5-30-.03

Rule Title: Assurances

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer



Date

9/18/20

APA-2

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-5-30-.03 Assurances

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Developmental Disabilities Division of the Alabama Department of Mental Health proposes to amend Chapter 580-5-30, Intellectual Disabilities Services, and repeal Chapter 580-5-33, Administrative and Support Requirements for Community Providers of Intellectual Disabilities Services. These proposed changes are intended to streamline and consolidate requirements and replace language deemed outdated and inappropriate current professional standards of practice. All requirements recommended for deletion from the Administrative Code shall be adopted in ADMH Policies and/or in DDD Operational Procedures as appropriate.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person or by electronic means to Debbie.popwell@mh.alabama.gov until and including November 4, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

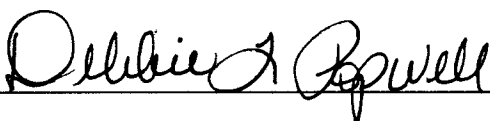
FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2020

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposed may contact Debbie Popwell, Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130.

(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.



(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

580-5-30-.03 Assurances.

(1) All intellectual disability services will be provided in accordance with the DMH-DDD Standards, DMH-DDD Operational Guidelines and other federal funding source guidelines such as Home and Community Based Waiver Services (HCBS, and Community Standards for Services for Persons with Intellectual Disabilities, ~~and the Intellectual Disabilities Act.~~ Appropriate certifications will be maintained in accordance with applicable Standards.

(2) Federal and state guidelines, statutes, and rules will be observed to effect maximum intra- and inter-agency cooperation and coordination of service.

(3) Community service providers will operate in accordance with applicable federal, state, municipal and local laws, regulations, ordinances and codes, including, but not limited to, Federal Medicaid regulations, the State Medicaid Agency plan, the Alabama Medicaid Agency's Administrative Code the Alabama Department of Mental Health's Administrative Code and Audit Guidelines Manual and subsequent amendments, the State Ethics Law, and applicable state policies and procedures. Medicaid funding is passed through from the Alabama Medicaid Agency. This funding comes from the US Department of Health and Human Services Medical Assistance Program (Catalog of Federal Domestic Assistance Number 93.778) and is subject to Title XIX of the Social Security Act of 1965 and administrative regulations found in the Code of Federal Regulations, 42 CFR Part 430 to End. Only those services and units in the authorization record for each individual, actually delivered, will be forwarded to Medicaid. Of those claims forwarded, only those claims adjudicated to be paid by Medicaid, as determined from the respective Explanation of Payment (EOP) reports, will be paid to the provider. DMH will not have any obligation for service units denied or suspended by Medicaid. If a chargeback occurs, the provider alone will be responsible for paying Medicaid. If the provider does not submit documentation for an informal review of the overpayment within thirty (30) calendar days, request a fair hearing, or submit payment within sixty (60) calendar days of the date of the letter informing them of the overpayment, DMH will proceed with recoupments from future check writes.

If DMH suffers a recoupment from Medicaid due to a community service provider violation of Medicaid or Medicare regulations, community service provider has an affirmative duty to immediately (no longer than 30 days) reimburse DMH for the total State and Federal amounts associated with the Medicaid or Medicare recoupment.

Author: Division of Developmental Disabilities (~~DMH~~)

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: **Amended:** Filed February 4, 2005; effective March 11, 2005. **Amended:** Filed January 17, 2011; effective December 21, 2011. **Amended:** Filed August 26, 2019; effective October 10, 2019. **Amended:** Filed September 18, 2020.